

**BARBERING AND COSMETOLOGY EXAMINING BOARD
MINUTES
MONDAY, JUNE 1, 2009**

PRESENT: Jeannie Bush, Howard Twait, Janice Boeck, Rod Gottfredsen, Jeffrey Patterson, Cheryl Pearse, Laura Ruiz, Susan Kolve-Feehan :

EXCUSED: Tina Rettler

STAFF: Yolanda McGowan, Bureau Director; Peggy Wichmann, Legal Counsel; Karen Rude-Evans, Bureau Assistant and other DRL Staff.

GUESTS: JoAnn Schneider, Empire Education Group; Mary Kiley and Mary Kardoskee, NCA; Barb McCormick, SWTC; David Barnes; Mary Pierce, BAS-Madison; Hafeezah Ahmad and Sandy Brietzman, BAS/DWD-Kenosha; Hilary Bentt, River Rock Inst.; Kathy Schauer, WCTC; Susan Haise, Institute of Beauty and Wellness

CALL TO ORDER

Chair Jeannie Bush called the meeting to order at 9:37 a.m. A quorum of 8 members was present.

APPROVAL OF AGENDA

Amendments to the Agenda

- Before Item “D” – add Discussion of Outstanding Scopes
- Under “Practice Issues” – add Regulation of Hair Braiders

MOTION: Cheryl Pearse moved, seconded by Janice Boeck, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF APRIL 6, 2009

MOTION: Howard Twait moved, seconded by Jeffrey Patterson, to approve the Minutes of April 6, 2009 as written. Motion carried unanimously.

ADMINISTRATIVE REPORT

Secretary Celia Jackson: Update regarding Summit

Secretary Celia Jackson addressed the Board regarding possible plans for a summit in the autumn of 2010 for the barbering and cosmetology professions. The summit would most likely be in the Milwaukee area and would include continuing education credits.

Secretary Jackson wants to keep the summit fees reasonable; however, the summit would have to pay for itself due to budgetary restraints. Alternatively, a meeting could be held

in Madison to discuss continuing education, the issues and challenges. The larger salons and all of the schools would be invited to participate. This would most likely be scheduled in the spring of 2010. The goal is to improve the knowledge of the new continuing education requirements within the professions. Secretary Jackson welcomes input from the Board.

Secretary Jackson stated she has had preliminary conversations with the Educational Approval Board (EAB) regarding the possibility of moving the regulation of private schools to the EAB.

Yolanda McGowan

The Office of Legal Counsel and The Division of Board Services have merged into the Division of Board Services under the guidance of Division Administrator Gail Sumi. Bureau Directors and Legal Counsels have been organized into teams; Ms. McGowan and Peggy Wichmann are a team and are assigned to a number of boards, one of which is the Barbering and Cosmetology Examining Board.

Hector Colon is the new Executive Assistant. Ms. McGowan introduced Bureau Assistant Karen Rude-Evans and Interns Rebecca McAtee and Ben Hanes.

SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES AND PRESS RELEASES

Noted.

PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISION AND ORDER

Presentations were not required by the Board.

LEGISLATION/ADMINISTRATIVE RULES REVIEW OF CE RULE DRAFT FOR ADOPTION

Peggy Wichmann reviewed the draft of the rules related to CE. If adopted today, it will go to the Legislative Council and hopefully the public hearing can be held in September.

MOTION: Sue Kolbe-Feehan moved, seconded by Laura Ruiz, to approve the proposed rules changes and send them to the Legislative Council.
Motion carried unanimously.

Notification to licensees will be accomplished through the Department of Regulation and Licensing's website, notices will be sent out with renewals and a mass email will be sent to all licensees who have provided email addresses to the Department. Dave Carlson, Public Information Officer, may also be involved in notification to the licensees, professional associations and the general public.

REVIEW OF OUTSTANDING SCOPE STATEMENTS

MOTION: Rod Gottfredsen moved, seconded by Janice Boeck, to authorize legal counsel to draft a scope statement to amend BC 2.025 and necessary related provisions to address the problems that have arisen with that rule and to grant the Chair authority to approve the scope statement on behalf of the Board. Motion carried unanimously.

MISCELLANEOUS CORRESPONDENCE/INFORMATION

None.

UPDATE FROM SANITATION COMMITTEE

Jeannie Bush reported that the Sanitation Committee met for the first time this morning. She asked that any suggestions from other Board members regarding sanitation be emailed to Yolanda McGowan.

PRACTICE ISSUES

▪ Discussion of Criteria Related to Practicing with a Temporary License

Temporary license holders must work under supervision at all times and the supervisor must be onsite. A barber/cosmetology temporary license holder must work under the manager licensee or their designee.

BC 2.06 Responsibilities of owners. The owner of any licensed establishment shall be responsible for compliance with ch. 454, Stats., and chs. BC 2, 3 and 4. The owner shall:
(3) Ensure the provision of supervision and training of apprentices, temporary permit holders and training permit holders.

BC 2.07 Responsibilities of the manager.

(1g) The manager shall train and supervise an apprentice in accordance with s. BC 6.04 (1), and shall supervise temporary permit holders and training permit holders. Supervision and training shall be conducted by a currently licensed manager.

▪ Discussion of Working Outside of a Licensed Establishment

The Board discussed statutory changes regarding working outside of a licensed establishment. Peggy Wichmann will review § 454.08(1)(a) for possible language changes and will revisit this issue with the Board at the next meeting

▪ Discussion of Reporting Injuries Properly

The Board discussed if there should be an incident report requirement. This would protect the client, the practitioner and the business. It was suggested that this issue be part

of the safety and sanitation committee agenda. Janice Boeck will provide a copy of the incident report protocol from her employer.

▪ **Discussion of Temporary License Criteria**

This issue was discussed earlier in the meeting.

▪ **Discussion of Online Training Relating to Nail Technicians**

Judy Mender, Division of Professional Credential Processing, spoke to the Board regarding acceptable training for nail technicians. New applicants must have graduated from an approved school in Wisconsin. Out of state applicants with less than 4000 of work experience must have their education evaluated by one of the Wisconsin approved schools to determine if the education is substantially equivalent. If the education is not deemed substantially equivalent, the applicant will have to complete the Wisconsin approved schooling. Reciprocity applicants with 4000 or more hours can qualify for Wisconsin licensure without educational review.

REGULATION OF HAIR BRAIDERS

To create a permit for hair braiders and for hair extensions would require a statutory change. Several other states do regulate hair braiders. Hair and eyebrow threading are services that may also need review of regulations. Angela Arrington has done some research on regulations in other states.

No decisions were made and the Board will revisit this issue at the next meeting.

PUBLIC COMMENTS

Kathy Schauer – The Department of Regulation and Licensing did take a strong stance on hair braiding in the past. She also questioned the CE requirement for law and who is qualified to teach. This course will be taught by the Department of Regulation and Licensing in order to have a consistent curriculum.

Laurie Thomas - She had questions on the scope of practice and continuing education. Peggy Wichmann is developing the CE law course. She stated she would prefer to see hair services in licensed establishments only.

David Barnes - He asked about the status of AB 842 relating to manager/apprentice ratio. This is not Board legislation and it was suggested he contact his legislator or Senator Lena Taylor.

CONVENE TO CLOSED SESSION

MOTION: Rod Gottfredsen moved, seconded by Howard Twait, to convene to closed session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.; consider closing disciplinary investigation with administrative warning (s. 19.85(1)(b), Stats. and 440.205, Stats., to

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consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.; and, to confer with legal counsel (s. 19.85(1)(g), Stats.). Roll Call Vote: Jeannie Bush – yes; Janice Boeck – yes; Jeffrey Patterson – yes; Susan Kolve-Feehan – yes; Laura Ruiz – yes; Howard Twait – yes; Rod Gottfredsen- yes; Cheryl Pearce - yes. Motion carried unanimously.

Open Session recessed at 11:40 a.m.

RECONVENE IN OPEN SESSSION

MOTION: Jeffrey Patterson moved, seconded by Cheryl Pearce, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 11:55 a.m.

VOTING ON ITEMS CONSIDERED/DELIBERATED IN CLOSED SESSION

CASE CLOSINGS

09 BAC 005 AND 09 BAC 006

MOTION: Jeffrey Patterson moved, seconded by Cheryl Pearce, to accept the forfeitures and close cases **090 BAC 005** and **09 BAC 006** for compliance gained. Motion carried unanimously.

05 BAC 059

MOTION: Susan Kolve-Feehan moved, seconded by Cheryl Pearce, to close case **05 BAC 059** for prosecutorial discretion (P5). Motion carried unanimously.

06 BAC 019, B.B.S.

MOTION: Jeffrey Patterson moved, seconded by Howard Twait, to close case **06 BAC 019** against B.B.S. for prosecutorial discretion (P5). Motion carried unanimously.

06 BAC 019, T.B.

MOTION: Jeffrey Patterson moved, seconded by Howard Twait, to close case **06 BAC 019** against T.B. for insufficient evidence. Motion carried unanimously.

06 BAC 062

MOTION: Rod Gottfredsen moved, seconded by Susan Kolve-Feehan, to close case **06 BAC 062** for insufficient evidence and to issue a letter of education to the salon. Motion carried unanimously.

06 BAC 097

MOTION: Howard Twait moved, seconded by Rod Gottfredsen, to close case **06 BAC 097** for insufficient evidence and to issue a letter of education to the salon. Motion carried unanimously.

07 BAC 008

MOTION: Jeffrey Patterson moved, seconded by Howard Twait, to close case **07 BAC 008** for insufficient evidence. Motion carried unanimously.

07 BAC 030

MOTION: Janice Boeck moved, seconded by Cheryl Pease, to close case **07 BAC 030** for compliance gained. Motion carried unanimously.

07 BAC 150, T.K.P.

MOTION: Susan Kolve-Feehan moved, seconded by Howard Twait, to close case **07 BAC 150** against T.K.P. for prosecutorial discretion (P5) and to flag the credential should T.K.P. attempt to renew. Motion carried unanimously.

07 BAC 150, FFS&BS

MOTION: Susan Kolve-Feehan moved, seconded by Howard Twait, to close case **07 BAC 150** against salon FFS&BS for prosecutorial discretion (P7). Motion carried unanimously.

07 BAC 156, #1T&H4U

MOTION: Rod Gottfredsen moved, seconded by Janice Boeck., to close case **07 BAC 1569** against salon #1T&H4U for no violation. Motion carried unanimously.

07 BAC 158

MOTION: Howard Twait moved, seconded by Jeffrey Patterson, to close case **07 BAC 158** for compliance gained (P2). Motion carried unanimously.

07 BAC 159, T.K.P.

MOTION: Howard Twait moved, seconded by Jeffrey Patterson, to close case **07 BAC 159** against T.K.P. for prosecutorial discretion (P5) and to flag the credential should T.K.P attempt to renew. Motion carried unanimously.

07 BAC 159, FFS&BS

MOTION: Howard Twait moved, seconded by Jeffrey Patterson, to close case **07 BAC 159** against salon FFS&BS for prosecutorial discretion (P7). Motion carried unanimously.

08 BAC 010, C.N.

MOTION: Jeffrey Patterson moved, seconded by Cheryl Pearse, to close case **08 BAC 010** against the establishment C.N. for prosecutorial discretion (P3). Motion carried unanimously.

09 BAC 023

MOTION: Janice Boeck moved, seconded by Susan Kolve-Feehan, to close case **09 BAC 023** for insufficient evidence. Motion carried unanimously.

PROPOSED STIPULATIONS

TRICIA L RUDE (04 BAC 078)

MOTION: Janice Boeck moved, seconded by Howard Twait, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the matter concerning Tricia L. Rude. Motion carried unanimously.

BONNIE L ANDERSON (05 BAC 059)

MOTION: Rod Gottfredson moved, seconded by Jeffrey Patterson, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the matter concerning Bonnie L. Anderson. Motion carried unanimously.

ZELDA M JONES (06 BAC 019)

MOTION: Susan Kolve-Feehan moved, seconded by Howard Twait, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the matter concerning Zelsa M. Jones. Motion carried unanimously.

WILLIAM E CAMPBELL AND MONKS BARBER SHOP (06 BAC 050)

MOTION: Rod Gottfredsen moved, seconded by Jeffrey Patterson, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the matter concerning William E. Campbell and Monks Barber Shop. Motion carried unanimously.

GARLAND L HALL (06 BAC 050)

MOTION: Janice Boeck moved, seconded by Susan Kolve-Feehan, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the matter concerning Garland L. Hall. Motion carried unanimously.

**EI CHISME SALÓN DE BELLEZA AND MERCEDES SANDOVAL MARTINEZ
(06 BAC 129)**

MOTION: Jeffrey Patterson moved, seconded by Susan Kolve-Feehan, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the matter concerning El Chisme Salón De Belleza and Mercedes Sandoval Martinez. Motion carried unanimously.

CORNELL STALLWORTH AND D'ZIRE (07 BAC 280)

MOTION: Howard Twait moved, seconded by Jeffrey Patterson, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the matter concerning Cornell Stallworth and D.Zire. Motion carried unanimously.

LIEN THI TRAN (08 BAC 010)

MOTION: Rod Gottfredsen moved, seconded by Janice Boeck, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the matter concerning Lien Thi Tran. Motion carried unanimously.

LYNNE'S SCIZZORY (08 BAC 037)

MOTION: Jeffrey Patterson moved, seconded by Howard Twait, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the matter concerning Lynne's Scizzory. Motion carried unanimously.

BURRONDI R CHILDS (08 BAC 241)

MOTION: Susan Kolve-Feehan moved, seconded by Janice Boeck, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the matter concerning Burrondi R. Childs. Motion carried unanimously.

A BEAUTIFUL YOU, INC AND LINDA S DAVIS (08 BAC 264)

MOTION: Howard Twait moved, seconded by Rod Gottfredsen, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the matter concerning A Beautiful You, Inc. and Linda S. Davis. Motion carried unanimously.

PROPOSED FINAL DECISION AND ORDER

LAQUISHA L. ADAMS (LS0901061BAC)

MOTION: Janice Boeck moved, seconded by Jeffrey Patterson, to adopt the Final Decision and order in the matter concerning LaQuisha L. Adams. Motion carried unanimously.

PROPOSED ADMINISTRATIVE WARNING

07 BAC 156, D.J.B.

MOTION: Rod Gottfredsen moved, seconded by Janice Boeck, to issue an administrative warning to D.J.B. in case **07 BAC 156**. Motion carried unanimously.

ADJOURNMENT

MOTION: Rod Gottfredsen moved, seconded by Howard Twait, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:13 p.m.